



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 97,022-B2-CO)

In re Application of:)	
)	Examiner: To be assigned
Dunlay, et al.)	
)	Art Unit: 1641
Serial No.: 10/686,161)	
)	
Filed: October 15, 2003)	Confirmation No.: 6805
)	
For: A System for Cell-Based Screening)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the Foreign and Journal references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97 (b)
- ☐ **after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but **before** the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below)

OR

- ☐ the fee of \$180.00 set forth in 37 C.F.R. § 1.17(p) (see "Fees" below).
- ☐ **after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see "Fees" and "Method of Payment of Fees" below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

CERTIFICATION

- ☐ The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

FEES

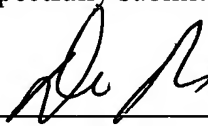
- ☐ No fee is owed by the applicant(s).
☐ The **IDS Fee of \$180.00** under 37 C.F.R. § 1.17(p) is enclosed herewith.

METHOD OF PAYMENT OF FEES

- ☐ The Commissioner is authorized to charge our **Deposit Account No.: 13-2490** in the amount of \$_____.

CERTIFICATE OF MAILING VIA EXPRESS MAIL DELIVERY under 37 C.F.R. § 1.10. I hereby certify that the attached paper of fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Commissioner for Patents, Box 1450, Alexandria, VA, 22313-1450, on this 18 day of August, 2006. Express Mail No. EV839406423US.

Respectfully submitted,



David S. Harper
Registration No. 42,636

Foreign Documents:

1. D. Lansing Taylor, et al., PCT Published Patent Application No. WO 97/45730, Filed: December 4, 1997.

Other Documents:

2. October 15, 1996, Biological Detection, Inc. Changes Name to BioDx, Inc. (Press Release)
3. 8 October 1996, BDI Appoints VP of Business Development From Beckman Instruments. (Press Release)
4. 25 September 1996, Biological Detection, Inc. (BDI) and Carl Zeiss Jena, GmbH of Germany Form Worldwide Strategic Alliance in Drug Discovery. (Press Release)
5. 24 September 1996, Board of Directors Appoints President and CEO, (Press Release)
6. 18 June 1996, New Board Member at Biological Detection Brings Expertise in Cell-Based Screening, (Press Release)

McDonnell, Boehnen, Hulbert & Berghoff LLP
300 S. Wacker Drive, Suite 3100
Chicago, IL 60606
312-913-0001

7. 3 June 1996, New Chair of Scientific Advisory Committee Brings Fluorescence Expertise, (Press Release)
8. Benveniste, M., et al., (1989), "Characterization of internalization and endosome formation of epidermal growth factor in transfected NIH-3T3 cells by computerized image-intensified three-dimensional fluorescence microscopy", *The Journal of Cell Biology*, Vol: 109, pp. 2105-2115.
9. Carey, K.L, et al., (1996), "Evidence using a green fluorescent protein-glucocorticoid receptor chimera that the RAN/TC4 GTPase mediates an essential function independent of nuclear protein import", *The Journal of Cell Biology*, Vol: 133, No. 5, pp. 985-996.
10. Kolega, J., et al., (1993), "Quantitation of cytoskeletal fibers in fluorescence images: stress fiber disassembly accompanies dephosphorylation of the regulatory light chains of myosin II", *Bioimaging*, Vol: 1, pp. 136-150.
11. Böcker, W., et al., (1996), "Automated cell cycle analysis with fluorescent microscopy and image analysis", *Phys. Med. Biol.*, Vol: 41, pp. 523-537.
12. Pepperkok, R., et al., (1993), "System for quantitation of gene expression in single cells by computerized microimaging: Application to c-fos expression after microinjection of anti-casein kinase II antibody", *Experimental Cell Research*, Vol: 204, pp. 278-285.
13. Business Wire: "ArrayScan system introduces high throughput cell-based screening", May 28, 1996.
14. Business Wire/Health Wire: "New Chair of Scientific Advisory Committee Brings Fluorescence Expertise", June 3, 1996.
15. Business Wire/Health Wire: "Biological Detection, Inc. and Carl Zeiss Yena, GmbH of Germany form worldwide strategic alliance in drug discovery", 25 September 1996.
16. Auszug aus BioCentury, Rubrik., Company News: Deals, September 30, 1996.
17. Business Wire/Health Wire: Biological Detection, Inc. Changes Name to BioDx, Inc.", 15 October 1996.
18. Hanakam, F., et al., (1996), Myristoylated and non-myristoylated forms of the pH sensor protein hisoctophilin II: intracellular shuttling to plasma membrane and nucleus monitored in real time by a fusion with green fluorescent protein", *The EMBO Journal*, Vol: 15, No. 12, pp. 2935-2943.
19. Cole, N.B., et al., (1996), Golgi Dispersal during microtubule disruption: Regeneration of Golgi Stacks at Peripheral Endoplasmic Reticulum Exit Sites", *Molecular Biology of the Cell*, Vol: 7, pp. 631-650.
20. Machiels, B.M. et al., (1996), Subcellular localization of proteasomes in apoptotic lung tumor cells and persistence as compared to intermediate filaments", *European Journal of Cell Biology*, Vol: 70, pp. 250-259.

21. Yasuhara, N., et al., (1997), "Essential role of active nuclear transport in apoptosis", Genes to Cells, Vol: 2, pp. 55-64.
22. Health Wire: BDI appoints VP of Business Development from Beckman Instruments", 8 October 1996.
23. Pages from BioDx, Inc. Internet Site; Internet Archive Way-back Machine, May 21, 1997.
24. Rogers, M.V., (1997), "Light on high-throughput screening: Fluorescence-based as say technologies", Drug Discovery Today, Vol: 2, No. 4, pp. 156-160.
25. Giuliano, K.A., et al., (1997), "High-Content Screening: A new approach to easing key bottlenecks in the drug discovery process", Journal of Biomolecular Screening, Vol: 2, No. 4, pp. 249-259.
26. Böcker, W., et al., (1995), Image processing algorithms for the automated micronucleus assay in binucleated human lymphocytes", Cytometry, Vol: 19, pp. 283-294.
27. D. Lansing Taylor, U.S. Patent Application No. 60/018,696, Filed on May 30, 1996.


In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Date:

8/18/06

Respectfully Submitted,

By:



David S. Harper

Registration No. 42,636

FORM PTO-1449
(Rev. 2-32)

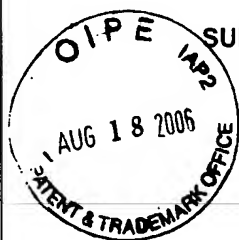
U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

97,022-B2-CO

Serial No.

10/686,161



**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use several sheets if necessary)

Applicant:

R. Terry Dunlay, et al.

Filing Date:

October 15, 2003

Group:

1641

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation Yes No
	1. WO 97/45730	12-4-97	PCT			X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

2.	October 15, 1996, Biological Detection, Inc. Changes Name to BioDx, Inc. (Press Release)
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FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
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